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INFORMATION

Cause No. 13 CR 0286

[Violations:

Count 1: 18 U.S.C. §1347 - Health Care Fraud;
Count 2: 18 U.S.C. §1957 - Money Laundering.]

COUNT ONE
(18 U.S.C. § 1347)

DURWOOD SPENCER,

did knowingly and willfully on or about the below listed date, execute and attempt to execute a scheme and artifice to defraud a health care benefit program, as defined in Title 18 United States Code, § 24(b), to-wit: Texas Medicaid, and to obtain by means of material, false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of Texas Medicaid in connection with the delivery of and payment for health care benefits, items and services in that the Defendant submitted and caused to be submitted false and fraudulent claims for services which were not received as follows:

Count	Date of Claim	Patient	Program Claim Number	CDT Code	Fraudulently Billed Benefits, Items or Services
One	June 24, 2009	E.V.	Medicaid No.: 522009057	D2752	Billed for placement of porcelain crowns, but did not perform service or treatment

SCHEME and ARTIFICE to DEFRAUD

The defendant, **DURWOOD SPENCER**, used the following means for the purpose of executing the scheme and artifice to defraud and it was part of the scheme and artifice to defraud that:

1. On or about October 31, 2006, the defendant, **DURWOOD SPENCER**, opened a checking account, xxx-xxxx5695, at a financial institution located in El Paso, Texas, in the name of Durwood Spencer, DDS PC.
2. On or about March 26, 2007, the defendant, **DURWOOD SPENCER**, applied with Texas Medicaid to become an accepted provider of dental services to Texas Medicaid patients.
3. On or about March 26, 2007, the defendant, **DURWOOD SPENCER**, signed an Electronic Funds Transfer Authorization Agreement with Texas Medicaid listing account xxx-xxxx5695 into which Texas Medicaid reimbursements were to be directly deposited.
4. On or about June 1, 2007, the defendant, **DURWOOD SPENCER**, was approved by Texas Medicaid to be a provider of dental services for Texas Medicaid patients.
5. Beginning on or about August 1, 2007, and continuing through on or about September 10, 2009, the defendant, **DURWOOD SPENCER**, operated a business known as Hershey's Dental Care located in El Paso, Texas.
6. On or about January 6, 2009, the defendant, **DURWOOD SPENCER**, opened a business checking account, xxx-xxxx9618, at a financial institution located in El Paso, Texas, in the name of Durwood Spencer, DDS PC.
7. On or about July 23, 2009, the defendant, **DURWOOD SPENCER**, opened a business checking account, xxx-xxxx5127, at a financial institution located in El Paso, Texas, in the name of Durwood Spencer, DDS PC.
8. On or about October 19, 2009, the defendant, **DURWOOD SPENCER**, signed an

Authorization for Electronic Funds Transfer with Texas Medicaid listing account xxx-xxxx5127 into which Texas Medicaid reimbursements were directly deposited.

9. Beginning on or about January 2, 2008, and continuing through on or about September 10, 2009, the defendant, **DURWOOD SPENCER**, placed veneers on patients' teeth in El Paso, Texas, located in the Western District of Texas.

10. Beginning on or about January 2, 2008, and continuing through on or about September 10, 2009, the defendant, **DURWOOD SPENCER**, directed his employees to record and document in patient files the application of veneers on patient's teeth as crowns.

11. Beginning on or about January 2, 2008, and continuing through on or about September 10, 2009, the defendant, **DURWOOD SPENCER**, caused his employees to complete patient encounter forms or bills which reflected the CDT code applicable for the placement of a porcelain crown to disguise the actual nature of the veneer procedure he performed.

12. Beginning on or about January 2, 2008, and continuing through on or about September 10, 2009, the defendant, **DURWOOD SPENCER**, directed his employees to submit claims for the placement of veneers on patients' teeth as crowns to Texas Medicaid.

13. Beginning on or about January 2, 2008, and continuing through on or about September 10, 2009, the defendant, **DURWOOD SPENCER**, knew that the placement of veneers on patients' teeth was not a reimbursable procedure by Texas Medicaid.

14. Beginning on or about January 2, 2008, and continuing through on or about September 10, 2009, the defendant, **DURWOOD SPENCER**, submitted and caused to be submitted claims to Texas Medicaid using the CDT code denoting the application of a porcelain crown to a patient's tooth, when in truth and in fact, the defendant, **DURWOOD SPENCER**, did not perform the services as indicated on the claim.

All in violation of Title 18, United States Code, section 1347.

COUNT TWO
(18 U.S.C. § 1957)

The Scheme and Artifice to Defraud alleged in Count One of this Information is re-alleged and incorporated by reference herein as if set out fully herein.

On or about the date set out below, in the Western District of Texas and elsewhere, the defendant,

DURWOOD SPENCER,

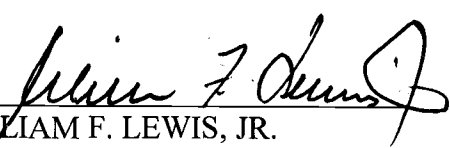
did knowingly engage and attempt to engage in a monetary transaction by, through and to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000, that is a withdrawal and transfer of U.S. currency, funds, and monetary instruments, such property having been derived from a specified unlawful activity, that is, Title 18 U.S.C. § 1347, Health Care Fraud,

Count	Date	Financial Transaction	Approximate Amount
Two	July 23, 2009	withdrawal of money from xxx-xxxx5695 account in name of Durwood Spencer DDS PC	\$31,247.72

in violation of Title 18, United States Codes, Section 1957.

Respectfully submitted,

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